

**MINUTES OF THE CITY COMMISSION MEETING  
JANUARY 27, 2003**

The City of Leesburg Commission held a regular meeting Monday, January 27, 2003, in the Commission Chambers at City Hall. Mayor Connelly called the meeting to order at 5:30 p.m. with the following members present:

Commissioner Bob Lovell  
Commissioner David Knowles  
Commissioner Ben Perry  
Mayor David Connelly

Commissioner Puckett and City Manager Ron Stock were both absent due to illness. Also present were Deputy City Manager (DCM) Robert Johnson, City Clerk/Finance Director (CC/FD) Tom Klinker, City Attorney (CA) Fred Morrison, Deputy City Clerk (DCC) Diane Gibson Smith, the news media, and others.

Mayor Connelly requested the recital of the Lord's Prayer followed by the Pledge of Allegiance to the Flag.

**APPROVED CITY COMMISSION MINUTES OF THE REGULAR MEETING HELD  
JANUARY 13, 2003**

Commissioner Lovell moved to approve the City Commission minutes of the regular meeting held January 13, 2003. Commissioner Knowles seconded the motion and it carried unanimously.

**HEARD PRESENTATION ON THE HISTORIC PRESERVATION PROGRAM**

Planning and Zoning Manager (PZM) Bill Wiley gave an update on the historic preservation program (copy attached). He noted the ordinance designating the historic district and the design guidelines is on tonight's agenda for first reading. A task force, composed of 19 citizens, was formed to review the historic district. The proposed area is 350 parcels and covers approximately 148 acres. There are 311 buildings included; 224 of which are contributing buildings i.e. buildings which were included on the historic survey done several years ago. An approval rate of 51% of the property owners within the proposed area is required to pass the historic district. Among the benefits of a historic district are jobs creation, increased property values, and increased tax revenue. If approved, ballots for voting on the historic district will be sent to citizens February 5, 2003. Voters will be given 10 days to respond and the certified results of the balloting will be reported at the March 10, 2003 Commission Meeting.

Gene Buckner of 907 Wiley Street stated his concern that this is another bureaucracy; another step to go through to get something done. If the historic district is created and then it is decided that the historic district is not wanted, what is the process to abolish the historic district.

PZM Wiley stated the creation of the historic district is not another bureaucracy item and will not affect the building permitting process. He also noted the same process to create the district is used to delete it.

Commissioner Lovell stated this sounds like a win/win situation for the homeowners. PZM Wiley agreed stating grant funds for redevelopment in the area will be easier to obtain.

## **MINUTES OF THE JANUARY 27, 2003 CITY COMMISSION MEETING**

Mayor Connelly noted the importance of ongoing dialogue with the people in the proposed district. PZM Wiley stated letters and maps have been sent to the citizens to keep them informed.

Peggy Burns, Post Commander of Post 52 American Legion, questioned if large parking lots within the historic district will be paved. PZM Wiley stated current codes require paving of the parking lots. However, under the historic district program additional options will be available.

Mayor Connelly requested the related item from the Public Hearings section be discussed at this time.

### **INTRODUCED AN ORDINANCE AUTHORIZING A BALLOT OF AFFECTED PROPERTY OWNERS TO DETERMINE IF THEY DESIRE TO FORM A HISTORIC DISTRICT; CREATING A HISTORIC DISTRICT CONTINGENT ON THE OUTCOME OF THE VOTES; SPECIFYING THE BOUNDARIES; SETTING GUIDELINES; IDENTIFYING CONTRIBUTION STRUCTURES**

Commissioner Lovell introduced the ordinance to be read by title only. CC/FD Klinker read the ordinance, as follows:

An ordinance of the City of Leesburg, Florida, authorizing a ballot of affected property owners to determine if the owners desire to form a historic district; creating a historic district contingent on the outcome of the votes of affected property owners; specifying the boundaries of the Historic District; adopting a report setting forth the design guidelines pertaining to the Historic District, identifying contributing structures, and specifying when an approval of appropriateness is required for activities related to property within the Historic District; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Mayor Connelly stated this item will lay over until the March 10, 2003 Commission Meeting.

### **HEARD PRESENTATION ON THE PROPOSED PARKING GARAGE DESIGN**

DCM Johnson presented information on the proposed parking garage. (A copy of the presentation is attached.) Items reviewed included design elements, spaces and expandability, site plan including current parking, location in relation to the proposed library, and the actual building location. He noted the parking garage is being designed to not close any streets or change driving habits. DCM Johnson stated the current City ordinance states parking spaces are to be 10 feet wide by 20 feet long. The design/build firm is recommending 9 foot by 20-foot parking spaces to provide additional spaces The City Commission needs to decide on the width of the parking spaces.

Commissioner Perry stated Leesburg has a high percentage of retirees. The City would be shortsighted to put in smaller parking spaces as it would create problems with people getting in and out of their vehicles.

## **MINUTES OF THE JANUARY 27, 2003 CITY COMMISSION MEETING**

Commissioner Knowles agreed with Commissioner Perry adding it is important that the City abide by its own ordinance. He noted remarking of the parking spaces can be done in the future if needed.

Joe Shipes, Leesburg Partnership, stated getting every space possible is important. Nine-foot wide spaces are probably there presently. The County ordinance is for 9-foot wide spaces.

Don Lukich, owner of Key Scales Ford, stated parking in spaces smaller than 10-foot by 20-foot is difficult.

Anacelia Gander, director of the Community Health Center, stated she has issues regarding the garage. Her main concern is parking for people (employees as well as patients) during construction. DCM Johnson stated staff is looking at temporary parking locations during the construction phase. The decision to use a design/build firm was made to expedite the process. Construction is scheduled to begin in April and be completed by September.

Mayor Connelly requested the related item under the Public Hearing part of the agenda be discussed next.

### **APPROVED PRELIMINARY DESIGN OF THE PARKING GARAGE WITH MINOR CHANGES**

Commissioner Perry moved to approve the preliminary design of the parking garage with the exception of staying with 10 foot by 20-foot parking spaces and including the architectural enhancements as long as they are within the budget. Commissioner Knowles seconded the motion and it passed unanimously.

### **CONSENT AGENDA**

Pulled B-3 (Wilbur Smith and Associates Amendment #24)

Commissioner Perry moved to adopt the Consent Agenda items except B-3 and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the Consent Agenda, as follows:

### **PURCHASING ITEMS:**

1. 03-FB-03 Hydraulic Digger Derrick Truck for Electric Dept. awarded to Altec Industries for \$169,820.00
2. 03-FB-10 PVC Fencing for Canal Street WWT awarded to A-Aabot Fence of Lake County for \$15,450.00
3. 03-FB-21 Lakeshore Drive improvements for Public Works Dept. awarded to D.A.B. Constructors for \$328,000.00

## **MINUTES OF THE JANUARY 27, 2003 CITY COMMISSION MEETING**

---

4. 03-FB-25 Optical Time Domain Reflectometer for Electric Dept awarded to NetTest North America, Inc. for \$16,847.00
5. 03-FB-26 Capacitor Controls and Switches for Electric Dept. awarded to Graybar Electric Co. for \$27,365.00
6. 03-FB-27 Transformer Turn Ratiometer for Electric Dept. awarded to Hughes Supply for \$5,766.85
7. 03-FB-30 Portable and mobile two-way radios for Police Dept. awarded to Master Communications Sales and Service for \$23,755.25
8. 03-FB-32 Whelen Light Bars for Police pursuit vehicles for Police Dept. awarded to Law Enforcement Supply Company, Inc. for \$14,783.20
9. Fla. Sheriff's Assn. Bid Vehicle for Fire Dept. awarded to Duval Ford for \$19,779.00
10. Marion County School Board Bid 2718 Copiers for Fire Dept. Electric Dept. and Executive Dept. awarded to EGP, Inc. for \$13,764.52
11. State Contract 250-000-03-1 Compaq Computers for MIS Dept. awarded to Compaq Computer Corp. for \$122,000.00
12. Blitzfire Ground Monitoring System and Associated Equipment for Fire Dept. awarded to Elite Fire & Safety for \$10,320.00

### **RESOLUTIONS:**

#### **RESOLUTION 6707**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and A-Aabot Fence of Lake County, Inc., for the purchase and installation of PVC fencing for the Canal Street Wastewater Treatment plant for \$15,450.00, pursuant to bid #03-FB-10 and providing an effective date.

#### **RESOLUTION 6708**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and D.A.B. Constructors, Inc. for the construction of Lakeshore Drive road improvements for \$328,000.00, pursuant to bid #03-FB-21, and providing an effective date.

**PULLED** - A resolution of the City Commission of the City of Leesburg, Florida, authorizing the execution of a contract between the City of Leesburg and Wilbur Smith Associates, Inc. for supplemental agreement #24, to the basic agreement between the parties pertaining to the engineering and design of an air traffic control tower at Leesburg Regional Airport; and providing an effective date.

#### **RESOLUTION 6709**

A resolution of the City of Leesburg, Florida accepting and approving a plat of South Leesburg Business Center, a subdivision in a C-3 (Highway Commercial) District, the City of Leesburg, Florida, generally located north of County Road 48, south of Pelican Isle Drive, and west of U.S. Highway 27, in Section 14, Township 20 South, Range 24 East; and accepting and dedicating to the use of the public the streets and public places contained therein; and providing an effective date.

## **MINUTES OF THE JANUARY 27, 2003 CITY COMMISSION MEETING**

### **PUBLIC HEARINGS:**

#### **ADOPTED ORDINANCE 03-07 AMENDING SECTION 22-227 OF THE CODE OF ORDINANCES PERTAINING TO POLLUTION ABATEMENT CHARGE**

CC/FD Klinker read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, amending §22-227 of the Code of Ordinances pertaining to pollution abatement charges; establishing a new rate schedule for pollution abatement charges; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Lovell moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the ordinance.

#### **ADOPTED ORDINANCE 03-08 ACCEPTING A UTILITY EASEMENT FROM EBK PROPERTIES, INC. FOR LAND IN SECTION 22-19-25 ( U.S. HWY 441 – CHILI'S GRILL & BAR)**

CC/FD Klinker read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from EBK Properties, Inc., as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 22, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date.

Commissioner Perry moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Perry	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the ordinance.

#### **ADOPTED ORDINANCE 03-09 ACCEPTING A UTILITY EASEMENT FROM ANNA M. WATSON, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF DONALD L. SMITH FOR LAND IN SECTION 15-19-24 (ALONG THOMAS AVENUE)**

CC/FD Klinker read the ordinance by title only, as follows:

## MINUTES OF THE JANUARY 27, 2003 CITY COMMISSION MEETING

An ordinance of the City of Leesburg, Florida, accepting a utility easement from Anna M. Watson, as personal representative of the Estate of Donald L. Smith, deceased, as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 15, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date.

Commissioner Perry moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the ordinance.

### **ADOPTED ORDINANCE 03-10 REZONING APPROXIMATELY 179.79 ACRES NORTH AND SOUTH OF U. S. HIGHWAY 441, EAST OF COLLEGE DRIVE AND WEST OF COUNTY ROAD 473 IN SECTIONS 22, 23, & 24-19-15 FROM C-1, C-2, CFD, CP, LM, R-1, R-6, AND RP TO C-3**

CC/FD Klinker read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, rezoning approximately 179.79 acres generally located north and south of U.S. Highway 441, east of College Drive, and west of County Road 473 (Haines Creek Road), lying in Sections 22, 23, and 24, Township 19 South, Range 25 East, Lake County, Florida, from C-1, C-2, CFD, CP, LM, R-1, R-6 and RP to C-3 (Commercial); and providing an effective date.

Commissioner Lovell moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the ordinance.

### **ADOPTED ORDINANCE 03-11 REZONING APPROXIMATELY 98.97 ACRES NORTH AND SOUTH OF U.S. HIGHWAY 441, EAST OF COLLEGE DRIVE, AND WEST OF COUNTRY ROAD 473 IN SECTIONS 22, 23, & 24-19-25 FROM RP & C-2 TO PUBLIC**

CC/FD Klinker read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, rezoning approximately 98.97 acres generally located north and south of U.S. Highway 441, east of College Drive, and west of County Road 473 (Haines Creek Road), lying in Sections 22,

## **MINUTES OF THE JANUARY 27, 2003 CITY COMMISSION MEETING**

23, and 24, Township 19 South, Range 25 East, Lake County, Florida, from RP and C-2 to Public; and providing an effective date.

Commissioner Lovell moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Perry	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the ordinance.

### **ADOPTED ORDINANCE 03-12 VACATING A DRAINAGE EASEMENT FOR A PORTION OF LOT 14 OF LOVES POINT ESTATES OWNED BY RONALD G. AND BARBARA S. KINKEAD, NORTH OF PARK DRIVE AND EAST OF RIVIERA DRIVE**

CC/FD Klinker read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, vacating a drainage easement for a portion of Lot 14 of Loves Point Estates, as recorded in Plat Book 14, Page 38, Public Records of Lake County, Florida, owned by Ronald G. Kinkead and Barbara S. Kinkead, said property generally located north of Park Drive, and east of Riviera Drive; and providing for an effective date.

Commissioner Knowles moved to adopt the ordinance and Commissioner Lovell seconded the motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the ordinance.

### **PULLED ORDINANCE ACCEPTING AN UTILITY EASEMENT FROM RONALD G. & BARBARA S. KINKEAD AT 1010 RIVIERA DRIVE**

This item was pulled from the agenda and was not discussed.

### **INTRODUCED AN ORDINANCE ACCEPTING A UTILITY EASEMENT FROM L.L. SWOR, TRUSTEE IN SECTION 22-19-25 (FURNITURE COUNTRY)**

Commissioner Lovell introduced the ordinance to be read by title only. CC/FD Klinker read the ordinance, as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from L.L. Swor, trustee, as grantor, to the City of Leesburg, as grantee, pertaining to

## **MINUTES OF THE JANUARY 27, 2003 CITY COMMISSION MEETING**

land located in Section 22, Township 19 south, Range 25 east, Lake County, Florida; and providing an effective date.

### **INTRODUCED AN ORDINANCE ACCEPTING A UTILITY EASEMENT FROM EUCLEE CARRY IN SECTION 20-19-24**

Commissioner Lovell introduced the ordinance to be read by title only. CC/FD Klinker read the ordinance, as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from Euclee F. Carry, as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 20, Township 19 south, Range 24 east, Lake County, Florida; and providing an effective date.

### **INTRODUCED AN ORDINANCE AMENDING ORDINANCE 01-53 ADOPTED NOVEMBER 13, 2001, REZONING APPROXIMATELY .82 ACRES NORTH OF HILL STREET AND SOUTH OF GRIFFIN ROAD, IN SECTION 22-19-24 TO CORRECT A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION.**

Commissioner Lovell introduced the ordinance to be read by title only. CC/FD Klinker read the ordinance, as follows:

An ordinance of the City of Leesburg, Florida, amending ordinance 01-53 adopted on November 13, 2001, rezoning approximately .82 acres being generally located north of Hill Street, south of Griffin Road, east of Penn Street, and west of U.S. Highway 441/27, lying in Section 22, Township 19 south, Range 24 east, Lake County, Florida, from R-2 (low density residential) to C-3 (highway commercial); to correct a scrivener's error in the legal description; and providing an effective date.

### **INTRODUCED AN ORDINANCE ANNEXING APPROXIMATELY 6.41 ACRES OWNED BY ALFRED P. AND DOROTHY A. SMITH NORTH OF U.S. HWY 441, SOUTH OF SILVER LAKE DRIVE AND WEST OF COLLEGE DRIVE IN SECTION 15-19-25 AND REZONING FROM COUNTY C-1 AND R-1 TO CITY C-3 (QUASI-JUDICIAL)**

Commissioner Perry introduced the ordinance to be read by title only. CC/FD Klinker read the ordinance, as follows:

An ordinance annexing certain property owned by Alfred P. Smith and Dorothy A. Smith, said property consisting of approximately 6.41 acres and being generally located north of U.S. Highway 441, south of Silver Lake Drive, east of Stewart Lane, and west of College Drive, lying in Section 15, 22, Township 19 south, Range 25 east, Lake County, Florida, which is contiguous to the city limits of the City of Leesburg, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances;



## **MINUTES OF THE JANUARY 27, 2003 CITY COMMISSION MEETING**

providing that such annexed territory shall be rezoned from County C-1 and R-1 to City C-3 (highway commercial); and providing for an effective date.

### **INTRODUCED AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN CHANGING THE FUTURE LAND USE MAP OF PROPERTY CONTAINING 6.4 ACRES NORTH OF U.S. HWY 441, SOUTH OF SILVER LAKE DRIVE, AND WEST OF COLLEGE DRIVE IN SECTION 15-19-25 FROM COUNTY URBAN EXPANSION TO CITY COMMERCE (ALFRED & DOROTHY SMITH)**

Commissioner Perry introduced the ordinance to be read by title only. CC/FD Klinker read the ordinance, as follows:

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing 6.4 acres and generally located north of U.S. Highway 441, south of Silver Lake Drive, east of Stewart Lane, and west of College Drive, lying in Section 15, 22, Township 19 south, Range 25 east, Lake County, Florida, from County Urban Expansion to City Commerce; and providing an effective date.

### **INTRODUCED AN ORDINANCE ANNEXING 8.67 ACRES OWNED BY EVENA B. OGDEN, AS TRUSTEE OF THE EVENA B. OGDEN REVOCABLE LIVING TRUST, NORTH OF CR 48, SOUTH OF COMMANDER ROAD, AND EAST OF U.S. HWY 27 IN SECTION 14-20-24 AND REZONING FROM COUNTY C-1 TO CITY C-3 (QUASI-JUDICIAL)**

Commissioner Lovell introduced the ordinance to be read by title only. CC/FD Klinker read the ordinance, as follows:

An ordinance annexing certain property owned by Evena B. Ogden, as trustee, of the Evena B. Ogden Revocable Living Trust, said property consisting of approximately 8.67 acres and being generally located north of County Road 48, south of Commander Road, and east of U.S. Highway 27, lying in Section 14, Township 20 south, Range 24 east, Lake County, Florida, which is contiguous to the city limits of the City of Leesburg, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be rezoned from County C-1 to City C-3 (highway commercial); and providing for an effective date.

### **INTRODUCED AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN CHANGING THE FUTURE LAND USE MAP FOR 8.67 ACRES NORTH OF CR 48, SOUTH OF COMMANDER ROAD, AND EAST OF U.S. HWY 27 IN SECTION 14-20-24 FROM COUNTY URBAN EXPANSION TO CITY COMMERCE (EVENA B. OGDEN, AS TRUSTEE)**

Commissioner Lovell introduced the ordinance to be read by title only. CC/FD Klinker read the ordinance, as follows:

## **MINUTES OF THE JANUARY 27, 2003 CITY COMMISSION MEETING**

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing 8.67 acres and generally located north of County Road 48, south of Commander Road, and east of U.S. Highway 27, lying in Section 14, Township 20 south, Range 24 east, Lake County, Florida, from County Urban expansion to City Commerce; and providing an effective date.

### **INTRODUCED AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN CHANGING THE FUTURE LAND USE MAP OF APPROXIMATELY .41 ACRES NORTH OF C.R.48, SOUTH OF PELICAN ISLE DRIVE, AND WEST OF U.S. HWY 27 IN SECTION 14-20-24 FROM COUNTY URBAN TO CITY COMMERCE (PAUL BUCHANAN)**

Commissioner Lovell introduced the ordinance to be read by title only. CC/FD Klinker read the ordinance, as follows:

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing .41 acres and generally located north of County Road 48, south of Pelican Isle Drive, and west of U.S. Highway 27, lying in Section 14, Township 20 south, Range 27 east, Lake County, Florida, from County Urban to City Commerce; and providing an effective date. (Paul Buchanan).

### **ADOPTED RESOLUTION 6710 AMENDING AND RESTATING PROVISIONS OF RESOLUTION NO. 5086 ADOPTED DECEMBER 9, 1996, FOR PURCHASING LIMITS AND RESTATING THE LOCAL VENDOR PREFERENCE RULES**

Commissioner Lovell introduced the resolution to be read by title only. CC/FD Klinker read the resolution, as follows:

A resolution of the City Commission of the City of Leesburg, Florida, substantially amending and restating the provisions of resolution number 5086 adopted on December 9, 1996; amending and restating purchasing limits; amending and restating the rules for local vendor preference; and providing an effective date.

Commissioner Perry moved to adopt the resolution and Commissioner Lovell seconded the motion. The roll call vote was:

Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the resolution.

## MINUTES OF THE JANUARY 27, 2003 CITY COMMISSION MEETING

### ADOPTED RESOLUTION 6711 RENAMING LAKE DIXIE TO LAKES WILLIAM AND MARY

Commissioner Lovell introduced the resolution to be read by title only. CC/FD Klinker read the resolution, as follows:

A resolution of the City Commission of the City of Leesburg, Florida, renaming the Lakes formerly known as "Lake Dixie" to Lakes William and Marry in honor of the first Leesburg High School principal and his wife, providing an effective date.

DCM Johnson acknowledged the principal of the High School in attendance at the meeting.

Commissioner Perry moved to adopt the resolution and Commissioner Lovell seconded the motion. The roll call vote was:

Commissioner Perry	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the resolution.

### **CITY ATTORNEY ITEMS:**

1. CA Morrison stated Florida Department of Transportation (FDOT) approached Community Development Director (CDD) McElhanon a few months ago with a request to assist in the acquisition of rights-of-way for the widening of U.S. 441 project. The taking of the land for the rights-of-way can cause problems when the property is sold or changed if the property then no longer conforms to City regulations. FDOT usually would need to pay severance damages in those cases, but by involving the City in the acquisition of the rights-of-way, FDOT's exposure would be reduced. In other locations, FDOT has purchased rights-of-way, paid severance damages, and then the property owners have had property restored by the City and thus were paid for damages that did not occur. CDD McElhanon has voiced concern over helping the FDOT acquire the rights-of-way.

The Partnership has requested the City notify people regarding the possible problems with giving right-of-way land to DOT and recommend the property owners contact engineers to determine any problem the taking of the right-of-way may cause. (This goes against what FDOT has asked the City to do.) CA Morrison stated he and CDD McElhanon suggest a possible solution of amending the current ordinance to allow FDOT to apply for the variance on the property. This would make the process fairer by allowing both parties to have a say.

Commissioner Perry stated if the process is left as is and not changed; the City is not assuming FDOT liability. CA Morrison stated he agrees with Commissioner Perry. CA Morrison does not feel the City should go along with the FDOT request. The City would have zero exposure if it takes no action or follows the Partnership's request.

Commissioner Lovell stated the City should notify property owners.

## **MINUTES OF THE JANUARY 27, 2003 CITY COMMISSION MEETING**

DCM Johnson stated this process will begin dialogue with the property owners and staff. Perhaps FDOT will work with the City and property owners to work out more useable solutions.

Mayor Connelly questioned the timeline of the project. DCM Johnson stated there are currently eight FDOT projects underway in the City. The Partnership is most concerned about the area on U.S. Highway 27. The widening of U.S. Highway 441 is slated to begin next summer.

Commissioner Knowles stated staff needs to make sure the constituents the City represents are not being harmed.

Commissioner Perry moved the City do nothing with FDOT at this time and contact the landowners to notify them of what is about to happen. Commissioner Knowles seconded the motion and it passed unanimously.

### **CITY CLERK/FINANCE DIRECTOR ITEMS:**

1. CC/FD Klinker presented the monthly financial report for December 2002. The report showed total receipts of \$22,716,681.74 and total disbursements of \$21,280,486.97 with an excess of receipts over disbursements of \$370,186.20. CC/FD Klinker also presented the Schedule of Cash and Investments by Fund as of December 31, 2002, showing total cash & investments of \$62,048,930.38. He noted on page 5 of 6 there is a breakout of the amount that is operations (\$25,559,647.35) versus restricted amount (\$37,000,000). He presented the investment report for the same period.

CC/FD Klinker presented a breakdown of the finance charges paid during fiscal year 2001-2002. He noted the finance charges are required under State Statute to be filed in December if the amount is larger than \$250.00. The City incurred \$228.45 in finance charges.

CC/FD Klinker presented a new report listing the miscellaneous receivable accounts (non-utility) that are more than 60 days past due. The majority of the value of those accounts listed (85%) are in connection with dated lift station contracts, which the Commission has in the past approved terminating.

DCM Johnson stated the first account listed on the report has been given an eviction notice and is in the process of leaving the airport. The second account listed, Skybolt, is on a repayment schedule that will make them current as of next month.

Mayor Connelly questioned if the evicted people are expected to pay. CA Morrison stated the City has a personal guarantee from the principles of the company and they have been named in the lawsuit in an attempt to collect on the personal guarantees.

2. CC/FD Klinker thanked the Commission for allowing him to attend the GFOA Committee Meeting in Washington, D.C. He noted it was a very interesting meeting, but very cold.

### **CITY MANAGER ITEMS:**

**None**

**MINUTES OF THE JANUARY 27, 2003 CITY COMMISSION MEETING**

---

**ROLL CALL:**

Commissioner Lovell – None

Commissioner Perry – None

Commissioner Puckett – None

Commissioner Knowles – None

Mayor Connelly. Reminded everyone of the Carver Heights Stormwater Park Ground Breaking Tuesday at 10:00 a.m.

Commissioner Lovell moved to adjourn. Commissioner Knowles seconded the motion and it carried unanimously. The meeting adjourned at 6:39 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
*Diane L. Gibson Smith*  
Recorder

MINUTES 030127